

UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD  
REGION 9

In the Matter of

HUGHES SUPPLY, INC.

Employer

and

Case 9-RC-17333

PLUMBERS & PIPEFITTERS LOCAL UNION 625,  
UNITED ASSOCIATION OF JOURNEYMEN AND  
APPRENTICES OF THE PLUMBING AND  
PIPEFITTING INDUSTRY OF THE UNITED  
STATES AND CANADA, AFL-CIO <sup>1/</sup>

Petitioner

**DECISION AND DIRECTION OF ELECTION**

Upon a petition duly filed under Section 9(c) of the National Labor Relations Act, as amended, herein called the Act, a hearing was held before a hearing officer of the National Labor Relations Board, herein called the Board.

Pursuant to the provisions of Section 3(b) of the Act, the Board has delegated its authority in this proceeding to the undersigned.

Upon the entire record in this proceeding, <sup>2/</sup> the undersigned finds:

1. The hearing officer's rulings made at the hearing are free from prejudicial error and are hereby affirmed.

2. The Employer is engaged in commerce within the meaning of the Act and it will effectuate the purposes of the Act to assert jurisdiction.

---

<sup>1/</sup> The petition reflects that Petitioner is an affiliate of the United Association of Journeymen and Apprentices of the Plumbing and Pipefitting Industry of the United States and Canada, AFL-CIO. In addition, I take administrative notice that the Petitioner is affiliated with the United Association of Journeymen and Apprentices of the Plumbing and Pipefitting Industry of the United States and Canada, AFL-CIO, and the name of the Petitioner is corrected to reflect this known relationship.

<sup>2/</sup> Both parties have timely filed briefs which I have carefully considered in reaching my decision.

3. At the hearing, the Employer declined to stipulate that the Petitioner is a labor organization within the meaning of the Act. The Employer did not address this issue in its brief. The record discloses that Petitioner has approximately 500 member-employees who actively participate in the organization by holding office, electing officers and establishing and enforcing a dues structure. In addition, the record reflects that Petitioner exists for the purpose of representing employees in their dealings with their employers and currently is party to approximately 20 collective-bargaining contracts with employers primarily engaged in the plumbing and pipefitting industry. Accordingly, I find that the Petitioner, which claims to represent certain employees of the Employer, is a labor organization within the meaning of Section 2(5) of the Act. *Litton Business Systems*, 199 NLRB 354 (1972).

4. A question affecting commerce exists concerning the representation of certain employees of the Employer within the meaning of Section 9(c)(1) and Section 2(6) and (7) of the Act.

5. The Employer, a corporation, is engaged in the fabrication, distribution and installation of plastic piping systems at and out of its Alum Creek, West Virginia facility, where it employs approximately 10 employees in the unit found appropriate. There is no history of collective bargaining affecting any of the Employer's employees.

The parties agree that all shop and field technicians and the warehouse employee employed by the Employer at and out of its Alum Creek, West Virginia facility should be included in any unit found appropriate.<sup>3/</sup> Likewise, the parties agree that all office clerical employees and all professional employees, guards and supervisors as defined in the Act are properly excluded from the unit. However, the Employer maintains that the inventory controller, Mark Allen; the clerical/technical support employee, Jamie Hoover; the two inside sales employees, Tommy Tackett and Deborah Hoover; and the four outside sales employees, John Belcher, John Flora, Glen Langley and David Thompson, must also be included in any unit found appropriate. On the other hand, the Petitioner would exclude these employees from the unit apparently on the ground that they lack a community of interest with the employees it seeks to represent.

The branch manager, Mark McDonald, has overall responsibility for the Employer's Alum Creek, West Virginia facility. The shop superintendent, Gary Gunno, and the office manager, Lynn Smith, whom the parties stipulated were supervisors within the meaning of Section 2(11) of the Act, report directly to McDonald. Gunno is the immediate supervisor for the shop and field technicians, while the office staff, the inside sales employees and certain ancillary employees, including the warehouse employee, the inventory controller and the clerical/technical support employee, report directly to Smith.

---

<sup>3/</sup> In its petition, the Petitioner sought to represent the Employer's pipefitters, pipe welders and helpers. The record discloses that the employees whom the Petitioner seeks to represent are the shop and field technicians and the warehouse employee. At the hearing, the Petitioner clarified its position eliminating any confusion with respect to the employees it seeks to represent.

The Employer fabricates plastic piping systems primarily for customers engaged in the operation of mining facilities, chemical plants and utilities. The piping systems are fabricated, based on customer requirements, from raw material purchased from sources throughout the United States. The Employer distributes and, on occasions, installs the piping systems in its market area comprising Ohio, Indiana, West Virginia, Virginia, Kentucky and parts of Pennsylvania. The Employer's Alum Creek, West Virginia facility consists essentially of an office building and a shop located approximately 60 feet apart on the same grounds. The shop, which is somewhat larger than the office building, contains fabrication equipment and machines, a storage area and restroom. The office houses the office staff, inside sales and other support personnel. In addition to the area in which the office and other employees work, there are a conference room, break room and library located in the front portion of the office building. The back portion of the office building contains the warehouse in which inventory is stored and in which the warehouse employee works.

It appears from the record that most of the Employer's business is generated by the outside sales employees who directly contact customers and solicits their orders. However, some orders are apparently placed by telephone or walk-in customers. These orders are handled initially by the inside sales staff. If an order is obtained by an inside sales person, such person prepares the necessary paperwork for the fabrication of the order. If an order is taken by an outside salesman, the relevant data is transmitted to an inside sales employee who prepares the same paperwork as for orders placed directly with the inside salesperson. Regardless of how an order is generated, the paperwork is eventually transmitted from an inside salesperson to the inventory controller, Mark Allen. Allen prepares a "shop ticket" which is essentially the work order listing the materials and containing a design of the product to be fabricated. The "shop ticket" and other paperwork is then sent to the shop where the system is fabricated.

#### SHOP AND FIELD TECHNICIANS AND WAREHOUSE EMPLOYEE:

After the "shop ticket" and other paperwork are received in the shop, the nine shop and field technicians, whom both parties agree are properly included in the unit, fabricate the system pursuant to the specifications. In manufacturing the product, the technicians assemble the needed materials, which they obtain from the Employer's warehouse, with the assistance of the warehouse employee, Curt Allen, or purchase from outside vendors. In performing their work, the shop and field technicians operate various machinery, including a fusion machine which is used to fuse the plastic piping together to form the system under construction. After the system is completed, it is checked for quality by the inventory controller and shipped to the customer by private carrier or in a truck owned by the Employer and operated by one of the technicians. In addition, the Employer occasionally installs the fabricated systems for customers. On those occasions, one or more of the technicians are assigned the work, which may take several days or even longer. It does not appear that any of the technicians are specifically assigned to the shop or field and any of the technicians may be designated for field (turnkey) work.

Unless assigned to a field job, the shop and field technicians report to the Employer's shop each day. They all work a single shift from 7:30 a.m. to 4 p.m. and report to the shop superintendent, Gary Gunno. The technicians are hourly paid, earning between \$12 and \$14 an

hour and, except when working offsite, are the only employees who punch a timeclock.<sup>4/</sup> The warehouse employee, Curt Allen, whom the parties agree is properly included in the unit, works in the warehouse maintaining inventory, delivering raw material to the technicians and preparing documents necessary to ship the finished products to customers. Allen is paid at the rate of \$9 per hour and reports to the office manager. All employees, including the shop and field technicians and warehouse employee, receive the same benefits and share the same parking lot, restrooms and other employee facilities.

### **OUTSIDE SALES EMPLOYEES:**

The parties, as previously noted, disagree with respect to the unit placement of the four outside sales employees, John Belcher, John Flora, Glen Langley and David Thompson. The primary function of the outside salesmen is to generate business through the selling of piping systems to customers. The outside salesmen work out of their homes and call on customers on a daily basis. They generally work from approximately 8 a.m. to 5 p.m. The outside salesmen survey the customer's site where the piping system is to be installed, make necessary measurements and prepare fabrication drawings which are forwarded to the inside sales staff at the Employer's Alum Creek facility, where the paperwork and orders are processed. The outside salesmen all have college degrees. However, it is not clear from the record whether such a degree is a requirement for the job. The outside salesmen are paid a monthly commission based on the gross volume of business which they generate during the month. However, the record indicates that they can obtain a biweekly "draw" on their monthly commission. The outside salesmen report directly to the branch manager, Mark McDonald.

As noted by the Employer in its brief, the outside salesmen have frequent contact with the inside sales staff and other employees at the Employer's office and shop area. The record discloses that the Employer expects the outside salesmen to contact the office on a daily basis. It appears, however, that most of the contacts are by telephone and a substantial number of the contacts involve pay and personnel matters rather than work related issues. In addition, the outside salesman, after making a sale, transmits all necessary paperwork to the inside sales staff. Finally, the outside salesman is present, on those occasions, when the Employer's technicians do a field installation for a customer who purchased a system from the salesman. On those occasions, the outside salesman makes sure that the installation work is properly performed and may assist the technicians in installing the system. The record discloses that the outside salesmen are trained to use the fusion machines and occasionally may use such machines in the field.

The record discloses that the outside salesmen do not have such a community of interest with the shop and field technicians and warehouse employee to mandate their inclusion in the unit. In reaching this decision, I note that a labor organization is not required to seek the only appropriate unit, the ultimate unit or even the most appropriate unit. *Morand Bros. Beverage Co.*, 91 NLRB 409 (1950), *enfd.* 190 F.2d 576 (7<sup>th</sup> Cir. 1951). Indeed, the statute requires only

---

<sup>4/</sup> The timeclock is located in the shop near the superintendent's office. It is not clear from the record whether shop employees are required to clock in each day.

that the unit be appropriate to insure that employees have the fullest freedom in exercising the rights guaranteed by the Act. *Morand Bros. Beverage Co.*, supra; *The National Cash Register Company*, 166 NLRB 173 (1967); *Capital Bakers, Inc.*, 168 NLRB 904 (1967). A labor organization, therefore, is not required to seek representation in the most comprehensive grouping of employees unless an appropriate unit compatible with that requested does not exist. *Bamberger's Paramus*, 151 NLRB 748, 751 (1965); *Purity Food Stores*, 160 NLRB 651 (1966). Here, the outside salesmen are paid on a commission basis, unlike the employees whom the Petitioner seeks to represent, who are hourly paid, and report directly to the branch manager as opposed to the other employees who report directly to lower level supervision. Moreover, the outside salesmen work out of their homes and most contact with other employees at the Employer's main facility is by telephone. Moreover, I note that the Board has consistently excluded outside salesmen from units similar to the one sought here by the Petitioner. *Allan U. Bevier, Inc.*, 118 NLRB 1335 (1951); *Newark Electronics Co., Inc.*, 131 NLRB 553 (1961); *Casey-Metcalf Machinery Co.*, 114 NLRB 520 (1955); *Houston Sash & Sons Company, Inc.*, 127 NLRB 1089 (1960). The fact that the outside salesmen may have ancillary contact with other employees or even occasionally assist them in the performance of installation work does not require their inclusion in the unit. *Allan U. Bevier, Inc.*, supra.

The only cases cited by the Employer which lends any support to its position that the outside sales employees should be included involve retail or wholesale establishments and are clearly distinguishable from the subject case. For example, in *Charrette Drafting Supplies Corporation*, 275 NLRB 1294 (1985), the employer was engaged in the retail sale of architectural and engineering art supplies. The operational area was not geographically separated from the retail sales area and the Board relying on the retail analysis in *A. Harris Co.*, 116 NLRB 1628 (1956), found that a single unit of all the employer's employees at two locations was appropriate. Likewise, *Wickes Furniture, a Division of the Wickes Corporation*, 201 NLRB 606 (1973), involved a retail outlet, where all employees worked together under one roof. The Board found that in view of the overlapping functions among the selling and nonselling employees that the community of interest between the two groups outweighed their separate interest and that a combined unit of the two groups of employees was the only appropriate unit. Finally, *Genuine Parts Company d/b/a Napa Columbus Distribution and Automotive Parts Company*, 269 NLRB 1052 (1984), involved a wholesale warehouse in which the counter sales employees, whom the Board included in the unit, worked together in the same facility with the warehouse employees taking and filling orders. Here, the Employer is a fabrication shop and the outside sales employees work from their home, are paid on a commission basis and although they have some contact with the field technicians, there is no interchange among the two groups of employees. Contrary to the Employer's assertion in its brief, the fact that its operations are integrated does not warrant including the outside salesmen or other clericals and salespersons in the unit. There is almost always a degree of integration in a business operation. Here, the degree of integration in Employer's operation is not sufficient justification to require the inclusion of salespersons and clericals in essentially a fabrication and installation unit.

Based on the foregoing, the entire record and careful consideration of the arguments of the parties at the hearing and their briefs, I find that the outside salesmen do not have a sufficient community of interest with the employees sought by the Petitioner to mandate their inclusion in

the unit. *Allan U. Bevier, Inc.*, supra. Accordingly, I shall exclude the outside sales employees from the unit.

### **INSIDE SALES EMPLOYEES:**

The parties are also in disagreement over the unit placement of the two inside salespersons, Tommy Tackett and Deborah Hoover. The two inside salespersons work in the main office which is in a separate building from the shop. It appears from the record that the inside salespersons accept orders over the telephone or occasionally from walk-in customers. When an order is received over the telephone or from a walk-in customer, the inside salesperson obtains all the pertinent information needed to formulate an actual quote and may do a fabrication drawing. In addition, the inside salespersons receive all fabrication drawings, measurements and paperwork transmitted by outside salesmen for potential orders. Regardless of whether the order is generated by an inside or outside salesperson, an inside sales employee determines the costs of raw materials and accessories necessary to fabricate the product. In addition, the inside salesperson must estimate the cost of labor required to fabricate the system ordered by the customer. The inside salesperson then combines the total costs and comes up with an estimate for the costs for fabricating the system and enters the order into the Employer's production system. The inside salesperson then transmits all the paperwork to the inventory controller, Mark Allen, to generate the "shop ticket." In performing their work, the inside salespersons have contact with the shop and field technicians and other personnel. For example, the inside salespersons are contacted by technicians about drawings, the availability of raw material and to clear up with the customer any questions that arise during the actual fabrication. The inside salespersons also have contact with the warehouse employee concerning available inventory and to make sure that fabrication needs can be satisfied. The inside salespersons are responsible for scheduling the work of technicians who are assigned outside projects and for arranging their transportation and lodging. However, there is no record evidence that the inside salespersons perform any of the actual fabrication work. Rather, their contacts with the shop and field technicians and warehouse employee are ancillary to the fabrication and installation of the Employer's product.

The inside salespersons are hourly paid but do not punch a timeclock. Their hourly pay rate is in the range of \$10 to \$12 an hour.<sup>5/</sup> In performing their normal duties, the inside salespersons, unlike the technicians, are not required to wear steel-toed shoes or other safety items. The work hours of the inside salespersons are staggered to enable them to cover the facility from 7:30 a.m. to 5 p.m. The inside salespersons have a desk at which they work and are directly responsible to the office manager, Lynn Smith.

The record does not support the conclusion that the inside salespersons have such a substantial community of interest with the shop and field technicians and warehouse employee to mandate their inclusion in the unit. As noted in discussing the unit placement of the outside salesmen, a labor organization is required only to seek an appropriate unit. *Morand Bros.*

---

<sup>5/</sup> Although the Petitioner asserts in its brief that the inside salespersons are paid a salary and commission, the record clearly shows that the inside salespersons are hourly paid.

*Beverage Co.*, supra. Here, the inside salespersons work in an area separate from the employees whom the Petitioner seeks to represent. Although the inside salespersons have contact with the employees sought by the Petitioner, such contacts are ancillary to the primary work performed by the inside salespersons. Moreover, there is no record testimony that the inside salespersons actually do any of the fabrication work. In addition to their sales functions, the inside salespersons are primarily involved in processing orders, making sure that materials are available for production and estimating the costs of the fabricating process. They work at a desk in the office building and report to the office manager. Indeed, the inside sales employees, closely resemble the inside salespersons and sales clerks excluded by the Board from a similar unit in *Garrett Supply Company, a Division of Garrett Corporation*, 165 NLRB 56 (1967). See also, *John G. Merkel & Sons, Inc.*, 232 NLRB 140 (1977). There is no temporary interchange between the inside salespersons and other employees. The fact that one inside salesperson was previously employed as a technician and that one inside salesperson may have transferred to a technician position does not warrant including the inside sales employees in the unit. See, *Garrett Supply Company, a Division of Garrett Corporation*, supra.

At the hearing and in its brief, the Employer implies that since the Petitioner seeks to represent the warehouse employee, who works in an area attached to the office and separate from the shop and reports to the office manager, there is no logical basis for excluding the inside salespersons and other nontechnicians from the unit. I do not find such an argument persuasive and the Employer has not cited any case in support of this position. Although the warehouse employee does not work in the shop and reports to the office manager, the materials utilized by the shop and field technicians in fabricating the Employer's product are stored in the warehouse and such materials are dispensed by the warehouse employee. Thus, the warehouse employee, unlike the employees involved in sales and clerical work, has substantial direct work related contacts with the other unit employees. See, *John G. Merkel & Sons, Inc.*, supra.

As pointed out by the Employer in its brief, the Board has occasionally included inside sales employees with other nonselling employees where all the employees enjoy a substantial community of interest. For example, in *Roskin Brothers, Inc.*, 274 NLRB 413 (1985), the Board included inside sales employees in a warehouse unit. However, the inside sales employees in *Roskin*, unlike here, worked in the same area with all other unit employees and had overlapping duties. Likewise, for the same distinguishing reasons noted under the discussion with respect to the outside sales employees, *Genuine Parts Company*, supra, does not require the inclusion of the inside sales employees. Moreover, *Sears Roebuck and Co.*, 319 NLRB 607 (1995), cited by the Employer, does not require the inclusion of the inside sales employees. In *Sears*, the salesmen included by the Board performed to an extensive degree the same tasks as other unit employees.

Based on the foregoing, the entire record and having carefully considered the arguments of the parties at the hearing and in their briefs, I find that the inside sales employees do not have such a substantial community of interest with the employees whom the Petitioner seeks to represent to require their inclusion in the same unit. *Garrett Supply Company, a Division of Garrett Corporation*, supra. Accordingly, I shall exclude them from the unit.

**CLERICAL/TECHNICAL SUPPORT EMPLOYEE:**

The parties also disagree on the unit placement of the clerical/technical support employee, Jamie Hoover, whom the Petitioner, contrary to the Employer, would exclude from the unit. Hoover is responsible for keeping a record of the “fusion” machines used by the Employer in its operation. At the current time, there are approximately 55 different “fusion” machines, some of which are apparently being rented, which the Employer utilizes in its operations. Hoover is responsible for knowing where the machines are located, the rental arrangement and the projected use of the machines. In addition, Hoover receives and maintains all the field records from the technicians when they return from off-site jobs which are utilized to prepare invoices and bill customers for the costs of work and equipment. Hoover is also responsible for ordering parts needed for repairs on the “fusion” machines and checks in the machines when they are brought back from an outside project. In performing her work, Hoover has contact with the technicians who return “fusion” machines and in making sure that the machines are properly cleaned and serviced. In connection with this duty, Hoover is responsible for making sure that any needed repairs are properly billed to the customer. Hoover also has some contact with the warehouse employee since the “fusion” machines are stored in the warehouse area when not in use. Hoover works from a desk located in the office and reports to the office manager. Hoover is not required, in the performance of her normal duties, to wear any type of safety items. Hoover works from 8 a.m. to 5 p.m., 5 days a week. Although hourly paid, Hoover, like the other office employees and unlike the technicians, does not punch a timeclock. Hoover’s rate of pay is approximately \$7.50 per hour.

The record discloses that Hoover’s primary duties are related to general office operations. The Board has consistently found that clericals whose principal functions and duties relate to general office operations, and are performed within the office itself, are office clericals who do not have a close community of interest with employees engaged in the production process. *Mitchellace, Inc.*, 314 NLRB 536 (1994). Here, Hoover works in the office building, which is separate from the fabrication shop, and reports to the office manager. Hoover does not punch a timeclock and is not required to wear the same type of safety items as the fabrication employees. Hoover’s primary function is to keep records of equipment rental and repairs of machines from which she prepares invoices and bills customers for chargeable costs. Although Hoover has contact with other unit employees, such contacts are for the purpose of assuring that equipment is properly serviced and that customers are correctly billed for any costs. Such contacts are not sufficient to require her inclusion in the unit. Indeed, in *Container Research Corp.*, 188 NLRB 586 (1971), the Board excluded similar type employees who spent as much as 25 percent of their time in the production area and had daily contact with production employees. I also note that Hoover does not have as much work-related contact with the unit employees here as the data entry clerks had with the production employees in *Mitchellace, Inc.*, supra. Accordingly, I find that the clerical/technical support employee, Jamie Hoover, is essentially an office clerical employee. *Mitchellace, Inc.*, supra.; *Container Research Corp.*, supra.; *Virginia Mfg. Co.*, 311 NLRB 992 (1993).

The cases relied on by the Employer do not support its position that Hoover must be included in the unit. Here, the majority of Hoover’s work tasks are office clerical in nature and the parties have agreed that such employees are excluded from the unit. In *Jacob Ash Co., Inc.*, 224 NLRB 74 (1976), cited by the Employer, the Board found the warehouse clericals to be

more akin to plant than office clerical employees and included them in a unit of warehouse employees. Likewise, in *American Parts Systems, Inc.*, 254 NLRB 901 (1981), the Board included the operations center employees, who entered orders for products on a computer and assisted the warehouse employees in filling orders, in an overall unit with the warehousemen. Similarly, in *T. E. Hamilton, a Sole Proprietor, d/b/a Hamilton Halter Company*, 270 NLRB 331 (1984), the Board included two employees found to be plant clerical employees in a production and maintenance unit. Here, Hoover's duties are more akin to those of office clericals than of plant clerical employees. *Mitchellace, Inc.*, supra.

Based on the foregoing, the entire record and having carefully considered the arguments of the parties at the hearing and in their briefs, I find that the clerical/technical support employee, Jamie Hoover, is primarily an office clerical employee who does not share such a community of interest with the employees sought by the Petitioner to require her inclusion in the unit. *Mitchellace, Inc.*, supra. Accordingly, I shall exclude her from the unit.

### **INVENTORY CONTROLLER:**

Finally, the parties disagree concerning the unit placement of the inventory controller, Mark Allen. The Employer would include, while the Petitioner would exclude, Allen from the unit. Allen receives the various paperwork, including specifications and rough drawings prepared by the salespersons, and generates a "shop ticket." The "shop ticket" which details the system to be fabricated is then forwarded to the shop for production. Allen is also responsible for calculating the various water flows and pressures that affect the installations made by the Employer at customer facilities. It appears from the record that most of the drawings and specifications prepared by Allen are computer generated. Allen has a degree in mechanical engineering but it is not clear from the record whether such a degree is required for his position. Moreover, the record does not contain sufficient details to enable me to determine whether the skills utilized by Allen were obtained through advanced study or whether independent discretion is required in the performance of his work. Allen is an hourly paid employee, earning \$13 per hour, works in the office area and reports to the office manager.

Although Allen's work is clearly related to the production process, I am unable to determine from the state of the record whether he is a professional employee. I recognize that neither party specifically maintains that Allen is a professional employee, but the parties have agreed to exclude such employees from the unit. Moreover, I am prohibited from including professional employees in a unit of nonprofessionals unless they vote for such inclusion. *Sonotone Corporation*, 90 NLRB 1236 (1950). Inasmuch as I am unable to determine with any degree of certainty, based on the current record, the professional status or unit placement of Mark Allen, I shall permit him to vote subject to challenge and I hereby instruct my agent conducting the election to challenge his ballot if he appears at the polls to vote.

### **STIPULATED SUPERVISORS:**

The parties stipulated, and the record shows, that the branch manager, Mark McDonald; the office manager, Lynn Smith; and the shop superintendent, Gary Gunno, have the authority to hire, discharge or discipline employees or to effectively recommend such action or to assign and

direct the work of employees utilizing independent judgment, and that they are supervisors within the meaning of Section 2(11) of the Act. Accordingly, I shall exclude them from the unit.

### **APPROPRIATE UNIT:**

Based on the foregoing, the entire record and having carefully considered the arguments of the parties at the hearing and in their briefs, I find that the following employees of the Employer constitute a unit appropriate for the purposes of collective bargaining: <sup>6/</sup>

**All shop and field technicians and warehouse employee employed by the Employer at and out of its Alum Creek, West Virginia facility, excluding all office clerical employees, outside sales employees, inside sales employees, the clerical/technical support employee and all professional employees, guards and supervisors as defined in the Act.**

Accordingly, I shall direct an election among the employees in such unit.

### **DIRECTION OF ELECTION**

An election by secret ballot shall be conducted by the undersigned among the employees in the unit found appropriate at the time and place set forth in the notice of election to be issued subsequently, subject to the Board's Rules and Regulations. Section 103.20 of the Board's Rules and Regulations requires that the Employer shall post copies of the Board's official Notice of Election in conspicuous places at least 3 full working days prior to 12:01 a.m. on the day of the election. The term "working day" shall mean an entire 24-hour period excluding, Saturdays, Sundays and holidays. Eligible to vote are those in the unit who were employed during the payroll period ending immediately preceding the date of this Decision, including employees who did not work during that period because they were ill, on vacation, or temporarily laid off. Also eligible are employees engaged in an economic strike which commenced less than 12 months before the election date and who retained their status as such during the eligibility period and their replacements. Those in the military services of the United States may vote if they appear in person at the polls. Ineligible to vote are employees who have quit or been discharged for cause since the designated payroll period, employees engaged in a strike who have been discharged for cause since the commencement thereof and who have not been rehired or reinstated before the election date, and employees engaged in an economic strike which commenced more than 12 months before the election date and who have been permanently replaced. Those eligible

---

<sup>6/</sup> At the hearing and in its brief, the Petitioner appears to take the position that the unit which it seeks to represent is appropriate based on the Petitioner's jurisdiction and the type of employees it generally represents. I reject this position. The important consideration in determining the appropriateness of a bargaining unit is the community of interest among the employees and not whether such employees are typically represented by the petitioning labor organization. *United States Steel Corp.*, 192 NLRB 58 (1971); *Brand Precision Services*, 313 NLRB 657 (1994). I have, therefore, relied on the Board's community of interest factors in reaching my determination on the unit issues in this case.

shall vote whether or not they desire to be represented for collective bargaining purposes by **Plumbers & Pipefitters Local Union 625, United Association of Journeymen and Apprentices of the Plumbing and Pipefitting Industry of the United States and Canada, AFL-CIO.**

### **LIST OF ELIGIBLE VOTERS**

In order to insure that all eligible voters may have the opportunity to be informed of the issues in the exercise of their statutory right to vote, all parties to the election should have access to a list of voters using full names, not initials, and their addresses which may be used to communicate with them. *Excelsior Underwear, Inc.*, 156 NLRB 1236 (1966); *NLRB v. Wyman-Gordon Company*, 394 U.S. 759 (1969); *North Macon Health Care Facility*, 315 NLRB 359 (1994). Accordingly, it is hereby directed that within 7 days of the date of this Decision 2 copies of an election eligibility list, containing the full names, not initials, and addresses of all the eligible voters, shall be filed by the Employer with the undersigned who shall make the list available to all parties to the election. In order to be timely filed, such list must be received in Region 9, National Labor Relations Board, 3003 John Weld Peck Federal Building, 550 Main Street, Cincinnati, Ohio 45202-3271, on or before **January 14, 2000**. No extension of time to file this list shall be granted except in extraordinary circumstances, nor shall the filing of a request for review operate to stay the requirement here imposed.

### **RIGHT TO REQUEST REVIEW**

Under the provisions of Section 102.67 of the Board's Rules and Regulations, a request for review of this Decision may be filed with the National Labor Relations Board, addressed to the Executive Secretary, 1099 - 14th Street, N.W., Washington, D.C. 20570. This request must be received by the Board in Washington by **January 21, 2000**.

Dated at Cincinnati, Ohio this 7<sup>th</sup> day of January 2000.

*/s/ Richard L. Ahearn*

Richard L. Ahearn, Regional Director  
Region 9, National Labor Relations Board  
3003 John Weld Peck Federal Building  
550 Main Street  
Cincinnati, Ohio 45202-3271

389-0100-2500  
440-1760-0580